

# Campaign Finance

Missi Kinder, Campaign Finance Specialist  
Office of the West Virginia Secretary of State

# **Campaign Finance Filing Dates**

## **June 11, 2013 Municipal General Election**

### **May 27-31, 2013**

Pre-General Reporting Period

Must include all transactions from the time the Certificate of Announcement is filed through May 26, 2013

### **June 24-July 22, 2013**

Post-General Reporting Period

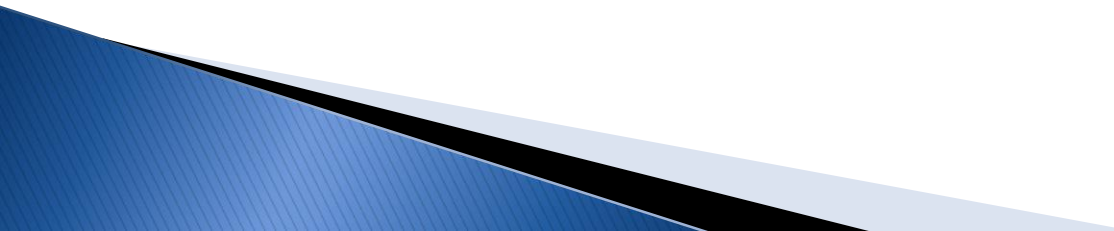
Must include all transactions from May 27-June 23, 2013



# Who Must File?

All candidates in Municipal Elections are required to file campaign finance reports.

Candidates who use their own money to fund their election are required to file campaign finance reports.



# What Must Be Reported?

All contributions and expenditures made in connection with the candidate's campaign must be reported in the campaign finance reports.

# Contributions

## Monetary

- Cash (\$50 limit for a cash contribution)
- Check
- Online contribution

## Loan

A loan to a candidate's committee may be made by the candidate, the candidate's spouse or a lending institution.

## In-Kind

Non-monetary item such as a service, food, donation, use of a building for a fund-raiser.

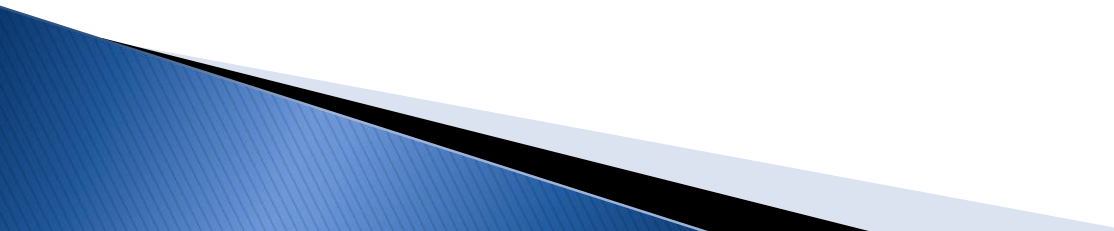
# Candidate Contribution vs. Candidate Loan

## Contribution

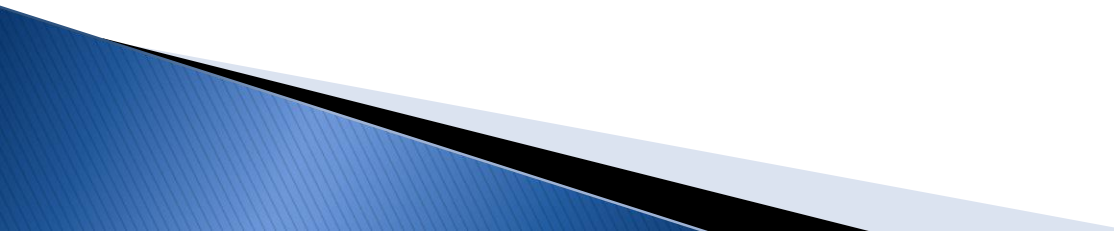
Candidates who contribute money to their campaign cannot get that money back, even if the campaign has excess funds after the election.

## Loan

Candidates who loan money to their campaign may be able to get some or all of that money back if the campaign has excess funds at the end of their campaign. A loan agreement including the date, amount, interest, and name and addresses of parties involved must be filed with the campaign finance report.



# Contributions

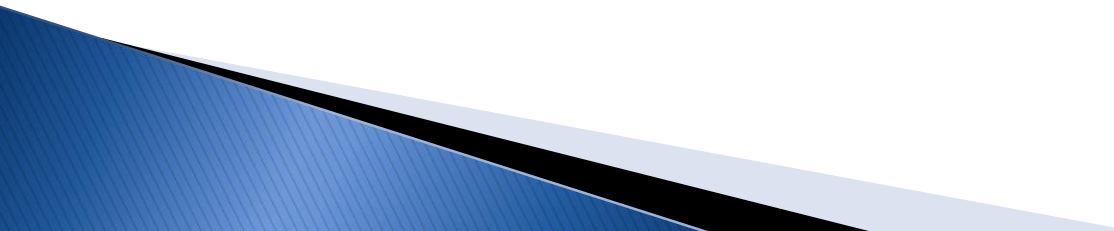
- There are no limits on the amount a candidate can contribute to their own campaign.
  - The maximum an individual may contribute to a candidate's campaign is \$1,000.
  - Contributions in the amount of \$250 and below require only the contributor's name and date of contribution.
  - Contributions over \$250 requires the contributor's name, address, occupation and employer.
- 

# Anonymous Contributions

All contributions must be identified with the name of the person or group which gave the donation.

If the contributor's identification cannot be determined, the donation must be given to the State of West Virginia General Fund.

“Passing the Hat” is not an allowable contribution source.





# Expenditures

All money spent in connection with the candidate's campaign must be reported in the campaign finance reports.

Money spent out of pocket on the election must be reported as an expenditure.

Expenditures must be made at a rate that is “proper and reasonable” to the services provided.

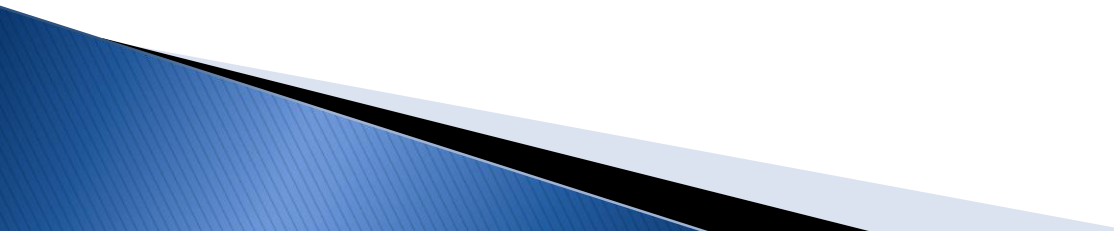
# Allowable Expenditures

## Allowable expenditures according to W.Va. State Code §3-8-9 & CSR§146-3-6

- Rental of campaign headquarters, which includes office expenses, maintenance, office equipment and furniture
- Printing of campaign materials, radio and television broadcasting
- Rental of space and expenses for public meetings
- Travel and necessary expenses of candidate
- Voter lists, transportation of voters to the polls
- Newspaper ads and mailings

# Reporting Expenditures

The following information is required for all expenditures:

- The name of the person or business to which the expenditure was given
  - The date of the transaction
  - The purpose of the transaction, and
  - The amount of the expenditure
- 

# Completing the Campaign Finance Report

There are two forms that can be used for campaign finance reporting.

- Short Form – Designed to accommodate candidates that do not have any transactions other than monetary contributions and expenditures.



# Completing the Campaign Finance Report

There are two forms that can be used for campaign finance reporting.

- Long Form – Designed to be used by candidates who:
  - Received loans
  - Received in-kind contributions
  - Held fundraisers
  - Have unpaid bills

# Long Form

**State of West Virginia Campaign Financial Statement**  
(Long Form) in Relation to the \_\_\_\_\_ Election Year

Candidate or Committee Name		Candidate or Committee's Treasurer	
Political Party (for candidates)		Treasurer's Mailing Address (Street, Route or P.O. Box)	
Office Sought (for candidates)	District/Division	City, State, Zip Code	Daytime Phone #

## Election Cycle Reporting Period (check one):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> <b>Primary - First Report</b><br>Due last Saturday in March or within 6 days thereafter.     | <input type="checkbox"/> <b>Pre-primary Report</b><br>Due 15 days preceding primary election or within 4 days thereafter  | <input type="checkbox"/> <b>Post-primary Report</b><br>Due 13 days following primary election or within 20 business days thereafter. |
| <input type="checkbox"/> <b>General - First Report</b><br>Due last Saturday in September or within 6 days thereafter. | <input type="checkbox"/> <b>Pre-general Report</b><br>Due 15 days preceding general election or within 4 days thereafter. | <input type="checkbox"/> <b>Post-general Report</b><br>Due 13 days following general election or within 20 business days thereafter. |

**Non-Election Cycle Reporting Period:**

- ☐ Annual Report Due In \_\_\_\_ Calendar Year  
Due last Saturday in March or within 6  
days thereafter

**Check if Applicable:**

- ☐ **Amended Report**  
You must also check box of appropriate reporting period
- ☐ **Final Report**  
**Zero balance required.**  
PAC must also file Form F-6 Dissolution

### REPORT TOTALS

Fill in totals at the completion of the report.

## RECEIPTS OF FUNDS:

**Totals for this Period**

## CASH BALANCE SUMMARY

<b>Contributions</b> (Page 3)	
Monetary Contributions from all Fund-Raising Events (Page 4)	+
Receipt of a Transfer of Excess Funds (Page 8)	+
<b>Total Monetary Contributions:</b>	=
In-Kind Contributions (Page 5)	+
<b>Total Contributions:</b>	=

Beginning Balance (ending balance from previous report)		
Total Monetary Contributions	+	
Total Other Income	+	
<b>Subtotal:</b>	<b>a.</b>	=

Other Income (Page 5)	
Loans Received (Page 6)	+
<b>Total Other Income:</b>	=

Total Expenditures (Page 7)		
Total Disbursements of Excess Funds (Page 8)	+	
Repayment of Loans (Page 6)	+	
<b>Subtotal:</b>	<b>b.</b>	<b>=</b>

**OUTSTANDING LOANS & DEBTS:**

Unpaid Bills (Page 9)	
Outstanding Loans (Page 6)	+
<b>Total Debts:</b>	=

<p><b>Ending Balance:</b>  <b>(Subtotal a. - Subtotal b.)</b> =</p> <p><i>*Cannot be negative balance</i></p>	
---	--

### TOTAL CONTRIBUTIONS

**ELECTION YEAR-TO-DATE**  
 (Add total contributions from all reports)

→

**TOTAL EXPENDITURES****ELECTION YEAR-TO-DATE**  
(Add total expenditures from all reports)

\_\_\_\_\_

Page 2.

Contributors of  
\$250 or Less☐ Check if additional pages have been attached.[illegible]

**MAKE AS MANY COPIES  
OF THIS PAGE AS YOU NEED**

Subtotal of contributors of \$250 or less:



# Long Form (con't)

Page 3. Contributors of More than \$250 ☐ Check if additional pages have been attached.

DATE	INDIVIDUAL CONTRIBUTOR OR COMMITTEE'S NAME	AMOUNT
	Full Name: Address: (residential and mailing if they are different) Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: (residential and mailing if they are different) Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: (residential and mailing if they are different) Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
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	Full Name: Address: (residential and mailing if they are different) Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	

MAKE AS MANY COPIES OF THIS PAGE AS YOU NEED

Subtotal of all contributors of more than \$250   
 Subtotal of all contributors of \$250 or less (From page 2)   
 Total Contributions:

Page 4.

## FUND-RAISING EVENTS

☐ Check if additional pages have been attached.

All monetary contributions received at a fundraiser must be reported in the Event Summary below. If contributor's name and amount are not listed, the contribution must be turned over to the West Virginia General Revenue Fund.  
 The only exception to this rule may apply to political party executive committees. (W V Code §3-8-5a)

### EVENT SUMMARY

Date of Event	Total Monetary Contributions:	<input type="text"/>
Type of Event	Total Expenditures: (Itemized on page 7)	- <input type="text"/>
Name of Place Held	NET RECEIPTS:	= <input type="text"/>
Address of Place Held	Total In-Kind Contributions Related to the Fund-raiser (Itemized on page 5.)	<input type="text"/>

### Contributors of \$250 or less

### Contributors of more than \$250

Date	Full Name	Amount	Date	Full Name	Amount
				Full Name: Address: (residential and mailing if they are different)	
				Contributor's job: (Individual only)	
				Where contributor works: (Individual only)	
				Affiliation: (Political committee only)	
				Full Name: Address: (residential and mailing if they are different)	
				Contributor's job: (Individual only)	
				Where contributor works: (Individual only)	
				Affiliation: (Political committee only)	
				Full Name: Address: (residential and mailing if they are different)	
				Contributor's job: (Individual only)	
				Where contributor works: (Individual only)	
				Affiliation: (Political committee only)	
				Full Name: Address: (residential and mailing if they are different)	
				Contributor's job: (Individual only)	
				Where contributor works: (Individual only)	
				Affiliation: (Political committee only)	
				Full Name: Address: (residential and mailing if they are different)	
				Contributor's job: (Individual only)	
				Where contributor works: (Individual only)	
				Affiliation: (Political committee only)	

Subtotal of contributors of \$250 or less:

Subtotal of contributors of more than \$250:   
 Subtotal of contributors of \$250 or less:   
 Total Contributions:

MAKE COPIES OF THIS PAGE TO LIST ADDITIONAL CONTRIBUTIONS. ATTACH ADDITIONAL PAGES TO REPORT.



# Long Form (con't)

Page 5.

## OTHER INCOME: INTEREST, REFUNDS, MISCELLANEOUS RECEIPTS

Date	Source of Income	Type of Receipt	Amount

Total Other Income:

☐ Check if additional pages have been attached.

## IN-KIND CONTRIBUTIONS

Date	Name and Contributor Information	Description of Contribution	Value

Total In-Kind Contributions:

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OF THIS PAGE AS YOU NEED.

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Page 6.

## LOANS

☐ Check if additional pages have been attached.

West Virginia Code: §3-8-5f. Loans to candidates, organizations or persons for election purposes.

"Every candidate, financial agent, person or association of persons or organization advocating or opposing the nomination or election of any candidate or the passage or defeat of any issue or item to be voted upon may not receive any money or any other thing of value toward election expenses except from the candidate, his or her spouse or a lending institution. All loans shall be evidenced by a written agreement executed by the lender, whether the candidate, his or her spouse, or the lending institution. Such agreement shall state the date and amount of the loan, the terms, including interest and repayment schedule, and a description of the collateral, if any, and the full names and addresses of all parties to the agreement. A copy of the agreement shall be filed with the financial statement next required after the loan is executed."

The loan agreement **must** include all items asked for in the statute. (See above.) The loan agreement does not have to follow a certain format; generally, if all the required information is listed, any format is acceptable.

Candidates or political committees that take out a loan for the campaign through a bank or other commercial lending institution must include a copy of the loan agreement executed with that bank or institution. Candidates should not take out loans which are partially for personal use and partially for the campaign. It is almost impossible to keep reporting straight in this case. Any money a candidate contributes to his or her campaign committee with the hope of repayment must be treated as a loan and reported in this section. When a candidate determines that no further repayment can be expected, the loan can be reported as repaid in this section by entering the amount left to repay in the repayments column and reporting the same amount as a contribution from the candidate on Page 2. **These loans must be executed in writing. Caution: Candidates may not carry outstanding loans from one campaign to the next. Each campaign is separate. Funds from a current campaign cannot be used to repay a loan from a previous campaign.**

### How to report loans

1. Each loan for your campaign should be listed on a separate line. (Each time you loan money to the campaign or get a loan, it is considered to be a separate loan.) Include the following information on the form below:

a. loan(s) from prior reporting periods and the balance of each loan (Col. A.) If a payment was made on the loan, list that in Col. C. **Any loan that was repaid in previous reporting periods does not need to be listed.**

b. new loans, the amount (Col. B), any repayments (Col. C), and the balance (Col. D.)

2. **Attach a copy of the loan agreement for each loan received during the reporting period.**

## LOANS

(A copy of the loan agreement for each loan secured during this filing period must accompany this report)

Bank Loans: List name & address of financial institution Candidate or Candidate's Spouse Loans: List name, residence and mailing address of person(s) making or cosigning loan	Column A Balance of previous loan at end of period	Column B Amount of new loan received during period		Column C Repayments during period		Column D Balance outstanding at end of period
	Amount	Date	Amount	Date	Amount	Amount
1.						
2.						
3.						
4.						
5.						
		Totals:		Loans Received	Repayment of Loans	Outstanding Loans

6

# Long Form (con't)

Page 7.

**ITEMIZED EXPENDITURES**  
(Itemize 3rd party expenditures/ reimbursements)

☐ Check if additional pages have been attached.[illegible]

7

Page 8.

### Receipt of a Transfer of Excess Funds

☐ Check if additional pages have been attached.

	Candidate Committee Name and Year	Amount
	Total Receipts of Transfers of Excess Funds:	

### Disbursements of Excess Funds

	Name of candidate committee and election year disbursing excess funds	Purpose of Disbursement	Amount
Total Disbursements of Excess Funds:			

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OF THIS PAGE AS YOU NEED.

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# Long Form (con't)

Page 9.

## UNPAID BILLS

☐ Check if additional pages have been attached.

Date	Owed to Whom	Affiliated with what Company or Group	Purpose	Amount

Total Unpaid Bills:

### OATH OR AFFIRMATION

I, \_\_\_\_\_, swear or affirm that the attached statement is true and correct, to the best of my knowledge, for all financial transactions occurring within the period covered by this statement, as required by West Virginia Code §3-8-5a.

\_\_\_\_\_  
Signature of Candidate, Financial Agent or Treasurer

Date \_\_\_\_\_, 20 \_\_\_\_

Office Use Only

Received By: \_\_\_\_\_

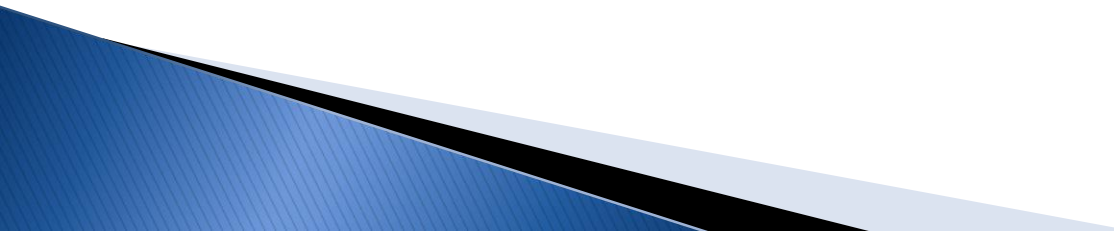
# Excess Campaign Funds

The moment a candidate is no longer a candidate for office, all funds above what is needed to pay the bills of the election are considered Excess Campaign Funds.

# Use of Excess Campaign Funds

## W.Va. CSR §146-3-7

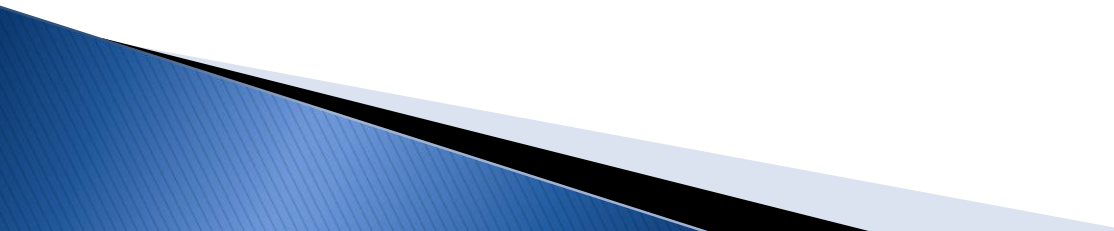
### Allowable uses of Excess Campaign Funds

- Transfer of funds from a candidate's committee to the same candidate's committee for a subsequent election year.
  - Contribution to another candidate's committee political action committee or a local executive committee. (\$1,000 limit)
  - Contribution to the state political party executive committee or state caucus. (\$15,000 limit)
  - Return of the contributions on a pro rata basis to each contributor.
  - Transferred to any national, state or local committee of any political party. (\$1,000 limit)
  - Charitable contribution (no limit)
- 

# Closing a Campaign Account

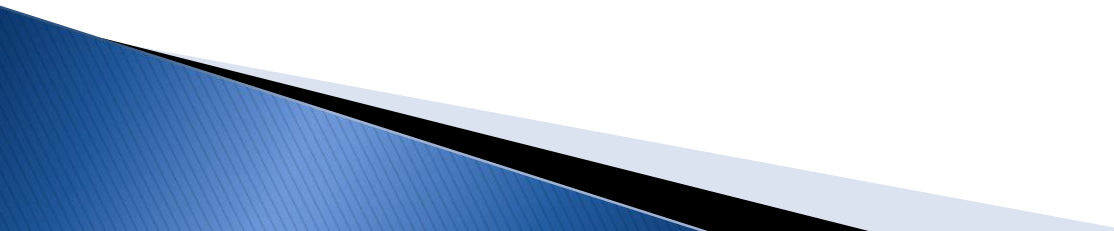
A candidate may close their campaign account when they no longer have outstanding debts or liabilities and have a zero balance in their campaign account.

A Final Report with a zero must be filed itemizing all transactions made since the last report was filed. This ends all reporting requirements for that candidate's committee.



# Incomplete or Inaccurate Filings

At times incomplete or inaccurate campaign finance reports must be returned to the candidate. Below are the most common reasons:

- Committee name or election year not accurate
  - Wrong reporting period marked
  - Contributor information missing
  - Transaction occurred outside of the filing period
  - Oath or affirmation not signed or dated
  - Final Report does not reflect a zero balance
- 

# Record Keeping

Candidates are required to keep a record of all receipts and expenditures for political purposes for six months following the election.

Filing officers are required to keep all campaign finance filings received for five years following the election.

